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International Convention on the Elimination of all Forms of Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Ukraine

1. The Committee considered the thirteenth and fourteenth periodic reports of Ukraine (CERD/C/299/Add.14), at its 1256th and 1257th meetings, held on 9 and 10 March, and adopted, at its 1269th meeting, held on 18 March 1998, the following concluding observations.

A. Introduction

2. The Committee welcomes the thirteenth periodic report submitted by the Government of Ukraine and the revised core document (HRI/CORE/1/Add.63) as well as the additional information provided by the delegation in response to the questions and comments of the members of the Committee. However, it is noted that the report was not prepared in conformity with the Committee's general guidelines for the submission of reports. Equally, it was noted that the report lacked essential information on the ethnic composition of the population. As a result it is more difficult for the Committee to assess how the Convention is implemented in Ukraine in general.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that the State party is passing through an important historical period in its existence due to the deep political, economic and social reforms it is undertaking. The Committee further notes that a large number of formerly deported people are returning to their places of origin in the State party and are seeking employment and shelter. Solving these problems puts further strain on resources at the disposal of the Government.

C. Positive aspects

4. The Committee notes with satisfaction the State party's efforts and policies relating to the protection of national minorities, especially the adoption of the Declaration of the Rights of National Minorities and the enactment of the Act on Ukrainian Citizenship, the Act on National Minorities in Ukraine, the Education Act and the Act on Freedom of Conscience and Religious Organizations.

5. The Committee welcomes the State party's accession to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The Committee notes with appreciation the State party's intention to ratify the European Framework Convention for the Protection of National Minorities as well as the European Charter on Regional and Minority Languages.

6. The Committee welcomes the creation of the post of Ombudsman as the independent human rights representative of the Supreme Council, and the establishment of an interdepartmental commission responsible for monitoring and taking preventive action in matters of racism and racial discrimination.

7. The Committee commends the State party's efforts aimed at the return, resettlement and rehabilitation of a large number of over 250,000 Crimean Tartars, as well as persons of other nationalities, who were forcibly deported to different parts of the former Soviet Union approximately 50 years ago.

D. Principal subjects of concern

8. Concern is expressed at the fact that many of the Committee's previous concluding observations (A/48/18, paras. 42-65) were not taken into consideration for the elaboration of Ukraine's thirteenth report, especially in regard to the extent to which the Convention is being implemented in the State party (para. 47); lack of information on legislation enacted to implement the punitive provisions of article 4 of the Convention (para. 50); lack of information on complaints and convictions for acts of racial discrimination established under article 66 of Ukraine's Criminal Code (para. 52); and the inadequacy of demographic data on the different ethnic groups living in the State party.

9. While the Committee takes note of the proposed amendments to the Act on National Minorities in Ukraine, concern is expressed that the State party is

not fully implementing the provisions of article 4 of the Convention and it has not provided sufficient information on the practical implementation of the provisions of article 4.

10. In regard to article 5, paragraphs (a) and (b), of the Convention, concern is expressed about reports of mistreatment by the police of members of the Roma population, especially those living in the Transcarpathian region.

11. The difficulties experienced by members of minority groups, including the Crimean Tatars, who were deported decades earlier and are now returning to resettle in Ukraine, in acquiring citizenship in the State party is a matter of concern. The Committee is also concerned about the situation of certain other minority groups who do not enjoy all their economic, social and cultural rights, notably the right to education.

12. It is also regretted that insufficient information was provided on the implementation of article 6 of the Convention, notably on the number of complaints of racial discrimination and available remedies, as well as the practice of the tribunals.

E. Suggestions and recommendations

13. In light of article 3 of the Convention and General Recommendation XIX, the Committee encourages the State party to monitor all tensions which may give rise to racial segregation and to work for the eradication of any negative consequences that ensue.

14. The Committee emphasizes that the State party should fully comply with its obligations under article 4 of the Convention and that necessary legislative measures of a more comprehensive nature should be taken in order to give effect to the provisions of that article.

15. In light of article 5 of the Convention and the Committee's General Recommendation XXII, paragraphs 2 (c) and (d), the Committee recommends that the State party continue to take all necessary steps to fully restore the rights of repatriated members of minorities, including the Crimean Tatars, and to afford them just and adequate reparation where appropriate. The Committee further recommends that issues relating to the citizenship of the repatriated members of minorities, including the Crimean Tatars, be solved as soon as possible in a just manner. In this regard, and in light of article 5 (d) (iii) of the Convention, the Committee suggests that the State party consider the possibility of acceding to the international instruments on statelessness.

16. In light of article 5 of the Convention and the Committee's General Recommendation XIII, the Committee recommends that the State party review and improve the training of law enforcement officials to ensure that in the performance of their duties they respect as well as protect human dignity and maintain and uphold the human rights of all without distinction as to race, colour, or national or ethnic origin. The Committee also emphasizes that the text of the Convention should be widely publicized so that the judiciary, the legal profession, the relevant governmental agencies and the general public are made fully aware of the provisions and the potential of the Convention.